

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

PAULA EULOJIA CANTU-LOPEZ,

Defendant.

Case No. 1:22-CR-2041-SAB-2

CRIMINAL MINUTES

DATE: MARCH 26, 2024

LOCATION: YAKIMA, WA

SENTENCING HEARING

**CHIEF JUDGE STANLEY A.
BASTIAN**

Michelle Fox
Courtroom Deputy

01
Law Clerk

Interpreter

Marilynn McMartin
Court Reporter

Michael Murphy
Government Counsel

Ulvar Klein
Defense Counsel

United States Probation Officer: Sean Carter

☒ **Open Court**

☐ **Chambers**

☐ **Telecon/Video**

Defendant present and in custody of U.S. Marshal.

Court outlines the case. Defendant was found guilty by a jury. Court summarizes maximum penalties and guidelines. Court has reviewed all of the materials submitted and presentence report. Court has reviewed the presentence report. 32, IV, Count 1: 135 – 168 months. Count 2: 7 years, consecutive. Count 6: 120 months.

U. Klein objects to all the findings. Object to the guidelines.

Court has ruled on the jury verdict. There is an objection to the 4-level increase.

M. Murphy presents argument on objections.

U. Klein objects.

M. Murphy continues argument.

☒ **ORDER FORTHCOMING**

CONVENED: 10:00 A.M.

ADJOURNED: 10:49 A.M.

TIME: 49 MIN.

CALENDARED [X]

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Court rules on the objections. Court has already denied the Rule 29 Motion. Court overrules objection to the 4-level increase. Final calculations remain the same. 32, IV.

M. Murphy presents argument and outlines recommendations. Count 1 - 168 months plus 5 years SR. Count 3 - Life. Count 6 - 57 months concurrent with Count 3 for a total sentence of Life. Alternative sentence: Consecutive sentences: Count 1 - 168 months. Count 3 - 84 months and then Count 6 - 57 months for a total sentence of 309 months.

Court questions counsel.

M. Murphy responds.

Court asks about restitution.

M. Murphy indicates there is no request but requesting it be held open for 30 days.

U. Klein presents argument and outlines recommendations. 7 years.

Court speaks to the defendant.

Defendant speaks to the Court.

Court speaks to the defendant. Court outlines the 3553 factors. Criminal history is outlined. Danger to community. Count 1: 120 months, no fine, \$100 SPA. Count 6: 120 months, no fine, \$100 SPA. Concurrent sentence for Counts 1 and 6. Count 3: 84 months to run consecutive. Total sentence of 204 months, credit for time served. 5 years Supervised Release.

Imprisonment: Counts 1 and 6: 120 months to run concurrently. Count 3: 84 months to run consecutive. Total sentence: 204 months. Credit for time served.

Court asks if defendant agrees to all conditions and does she waive the reading of the conditions.

U. Klein indicates defendant waives reading the conditions.

Supervised Release: 5 years, with all the standard conditions and the following special conditions:

1. You must not communicate, or otherwise interact, with A.S. either directly or through someone else, without first obtaining the permission of the probation officer. You must not enter the premises or loiter within 1000 feet of the victim's residence or place of employment.

2. You must submit your person, residence, office, or vehicle and belongings to a search, conducted by a probation officer, at a sensible time and manner, based upon reasonable suspicion of contraband or evidence of violation of a condition of supervision. Failure to submit to search may be grounds for revocation. You must warn persons with whom you share a residence that the premises may be subject to search.

3. You must undergo a substance abuse evaluation and, if indicated by a licensed/certified treatment provider, enter into and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare upon further order of the court. You must contribute to the cost of treatment according to your ability to pay. You must allow full reciprocal disclosure between the supervising officer and treatment provider.

4. You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

5. You must not enter into or remain in any establishment where alcohol is the primary item of sale. You must abstain from alcohol and must submit to urinalysis and Breathalyzer testing as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from this substance

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SPA: \$100 for each count = \$300.

Fine: Waived.

Court will recommend defendant serve her sentence close to Northwest. Hold restitution open for 60 days.

U. Klein asks to recommend RDAP program, drug and alcohol treatment, vocational training. Court will add to the judgment.

Right to appeal administered.

U. Klein asks to find defendant indigent for purposes of appeal. Court does not see any reason to change the indigency.